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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/803,160	03/18/2004	Ratan K. Chaudhuri	EMI-48 P1	4138

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EXAMINER
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FLOOD, MICHELE C

ART UNIT	PAPER NUMBER
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1655

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
30 DAYS	01/29/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT

PAPER

20070118

DATE MAILED:

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**Commissioner for Patents**

Acknowledgment is made of the receipt and entry of the amendment filed on November 6, 2006 with the cancellation of Claims 4-12 and 18-20. However, the substantial amendment to the claims, with particular regard to Claim 1, is considered non-responsive because the claims, as presently drafted, are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Claim 1 is directed to a cancelled and non-elected invention that is independent and distinct from the invention originally examined and prosecuted on the merits in the previous Office action. In the instant case, Applicant has received an action on the merits for the originally presented invention which was drawn to a method for regulating the appearance of skin comprising topically applying to the skin a claim-designated composition, whereas newly amended Claim 1 is directed to a method for inhibiting or decreasing the expression or function of a matrix metalloprotease in the skin or inhibiting or decreasing oxidative stress induced by free iron and copper in the skin comprising topically applying to the skin the claim-designated composition. As the subject matter of newly amended Claim 1 is drawn to a method of treating the skin to provide a functional effect for inhibiting or decreasing the expression or function of a matrix metalloprotease in the skin or inhibiting or decreasing oxidative stress induced by free iron and copper in the skin and not a method of regulating the appearance of skin, the claims as presently drafted are drawn to subject matter outside of the scope of the claims as originally presented for prosecution on the merits, and an invention not elected by Applicant in response to a restriction requirement set forth in a previous Office action mailed January 12, 2006.

Since Applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, Claims 1-3 and 13-17 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Since the submission appears to be a bona fide attempt to provide a complete reply to the prior Office action, Applicant is given a shortened statutory period of ONE MONTH or THIRTY DAYS from the mailing date of this letter, whichever is longer, to submit a complete reply. This shortened statutory period for reply supersedes the time period set in the prior Office action. This time period may be extended pursuant to 37 CFR 1.136(a).

*Michele C. Flood*  
**MICHELE FLOOD**  
**PRIMARY EXAMINER**

Michele Flood  
Primary Examiner  
Art Unit: 1655